

Message

From: Buffo, Corey [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D5112A95233948D18E8EFF97D1D9C7F0-BUFFO, COREY]
Sent: 10/31/2019 3:08:06 PM
To: Fleisig, Erica [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=57317ce4c3234afe86380beab9c70bd9-EFleisig]
Subject: RE: For NB input by 10/30 if poss: OR and MI writeup

Then some where involve NB and some without!

From: Fleisig, Erica <Fleisig.Erica@epa.gov>
Sent: Thursday, October 31, 2019 11:06 AM
To: Buffo, Corey <Buffo.Corey@epa.gov>
Subject: RE: For NB input by 10/30 if poss: OR and MI writeup

I like it, like a little controlled experiment. So some without, some where we involve them at the beginning, some where we involve them at the end/quick review...

From: Buffo, Corey <Buffo.Corey@epa.gov>
Sent: Thursday, October 31, 2019 11:03 AM
To: Fleisig, Erica <Fleisig.Erica@epa.gov>
Subject: RE: For NB input by 10/30 if poss: OR and MI writeup

Right, so we do some with OGC, without.

From: Fleisig, Erica <Fleisig.Erica@epa.gov>
Sent: Thursday, October 31, 2019 11:03 AM
To: Buffo, Corey <Buffo.Corey@epa.gov>
Subject: RE: For NB input by 10/30 if poss: OR and MI writeup

What a depressing vision board. I'll think on that – probably little to no influence, although NB will say that is because we didn't involve OGC...!

From: Buffo, Corey <Buffo.Corey@epa.gov>
Sent: Thursday, October 31, 2019 10:59 AM
To: Fleisig, Erica <Fleisig.Erica@epa.gov>
Subject: RE: For NB input by 10/30 if poss: OR and MI writeup

Thanks. We really seem to think we are actually in control here. Maybe we start to catalogue what came in and the state it was in, what we did, and how much (or little) we influenced. Some tracking on return on investment can surely help Manjali when she asks us to help her prioritize things on what she often notes is a very full schedule.

From: Fleisig, Erica <Fleisig.Erica@epa.gov>
Sent: Thursday, October 31, 2019 10:38 AM
To: Buffo, Corey <Buffo.Corey@epa.gov>
Subject: FW: For NB input by 10/30 if poss: OR and MI writeup

This is the chain

From: Vlcán, Manjali <Vlcán.Manjali@epa.gov>
Sent: Thursday, October 31, 2019 10:34 AM
To: Fleisig, Erica <Fleisig.Erica@epa.gov>; Barash, Shari <Barash.Shari@epa.gov>
Subject: RE: For NB input by 10/30 if poss: OR and MI writeup

Hi Erica – I think we really need to bring OGC in on these variances issues when we start talking about issues we know are going to be complex. It isn't necessarily your fault but I've been asking to bring OGC into OR MDV from the beginning. It isn't fair for us to expect help from OGC when we decide to try and bring them into things at the last minute on quick turnaround. She can make time when there are a few meetings (not all but at least some) that she can join from the beginning or close to the beginning to follow along with us. But getting tons of emails all at once and then being expected to provide input in isolation of discussions would be hard on anyone.

I appreciate you trying to reach out to her. I would recommend setting up time to talk her through MI and OR just like we are for IN. I'll give her a heads up.

Thanks!
Manjali

~~~~~  
Ms. Manjali Gupta Vlcán  
Team Leader, Uses and Antidegradation Team  
National Water Quality Standards Branch, SHPD  
Office of Science and Technology  
U.S. Environmental Protection Agency  
Washington, D.C.  
202-566-0373 (Phone)  
[vlcán.manjali@epa.gov](mailto:vlcán.manjali@epa.gov)

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**From:** Fleisig, Erica  
**Sent:** Thursday, October 31, 2019 9:42 AM  
**To:** Barash, Shari <[Barash.Shari@epa.gov](mailto:Barash.Shari@epa.gov)>  
**Cc:** Vlcán, Manjali <[Vlcán.Manjali@epa.gov](mailto:Vlcán.Manjali@epa.gov)>  
**Subject:** RE: For NB input by 10/30 if poss: OR and MI writeup

Did you know RB is on this email? ☺ I can send this on to Heidi. I am having a bit of trouble with the legal input side of things, given the quick turnaround we're normally operating under and how swamped Heidi is. We've already shared this with OR as our position, but I'll ask Heidi to let us know what legal risk she sees just so we are aware.

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**From:** Barash, Shari <[Barash.Shari@epa.gov](mailto:Barash.Shari@epa.gov)>  
**Sent:** Thursday, October 31, 2019 7:48 AM  
**To:** Vlcán, Manjali <[Vlcán.Manjali@epa.gov](mailto:Vlcán.Manjali@epa.gov)>  
**Cc:** Fleisig, Erica <[Fleisig.Erica@epa.gov](mailto:Fleisig.Erica@epa.gov)>; Dreyfus, Melissa G. <[Dreyfus.Melissa@epa.gov](mailto:Dreyfus.Melissa@epa.gov)>; Gravuer, Kelly <[gravuer.kelly@epa.gov](mailto:gravuer.kelly@epa.gov)>; Keating, Jim <[Keating.Jim@epa.gov](mailto:Keating.Jim@epa.gov)>; Pettit, Elizabeth (Libby) <[pettit.elizabetha@epa.gov](mailto:pettit.elizabetha@epa.gov)>; Soo-Hoo, Mimi <[Soo-Hoo.Mimi@epa.gov](mailto:Soo-Hoo.Mimi@epa.gov)>  
**Subject:** Re: For NB input by 10/30 if poss: OR and MI writeup

Great points and I agree. How do we get OGC to weigh in. Can I just say I think it is necessary and then RB will need to?

Sent from my iPhone

On Oct 31, 2019, at 7:42 AM, Vlcán, Manjali <[Vlcán.Manjali@epa.gov](mailto:Vlcán.Manjali@epa.gov)> wrote:

I did want to share two thoughts for your consideration.

- 1) I really would encourage us to ask OGC for a legal assessment of this argument. This is a

2)

## Ex. 5 Deliberative Process (DP)

Anyway, I just wanted to put out there for you what I was thinking about and feeling the need to put down in writing.

Thanks for humoring me!

~~~~~  
Ms. Manjali Gupta Vican
Team Leader, Uses and Antidegradation Team
National Water Quality Standards Branch, SHPD
Office of Science and Technology
U.S. Environmental Protection Agency
Washington, D.C.
202-566-0373 (Phone)
vican.manjali@epa.gov

From: Fleisig, Erica

Sent: Wednesday, October 30, 2019 5:14 PM

To: Vican, Manjali <Vican.Manjali@epa.gov>; Dreyfus, Melissa G. <Dreyfus.Melissa@epa.gov>; Barash, Shari <Barash.Shari@epa.gov>; Gravuer, Kelly <gravuer.kelly@epa.gov>

Cc: Keating, Jim <Keating.Jim@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Soo-Hoo, Mimi <Soo-Hoo.Mimi@epa.gov>

Subject: RE: For NB input by 10/30 if poss: OR and MI writeup

Ex. 5 Deliberative Process (DP)

-Erica

From: Vlcan, Manjali <Vlcan.Manjali@epa.gov>

Sent: Wednesday, October 30, 2019 2:59 PM

To: Fleisig, Erica <Fleisig.Erica@epa.gov>; Dreyfus, Melissa G. <Dreyfus.Melissa@epa.gov>; Barash, Shari <Barash.Shari@epa.gov>; Gravuer, Kelly <gravuer.kelly@epa.gov>

Cc: Keating, Jim <Keating.Jim@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Soo-Hoo, Mimi <Soo-Hoo.Mimi@epa.gov>

Subject: RE: For NB input by 10/30 if poss: OR and MI writeup

Hi everyone – thank you for putting this together!

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Hope that helps. Thanks for putting it together.
Manjali

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Ms. Manjali Gupta Vlcan  
Team Leader, Uses and Antidegradation Team  
National Water Quality Standards Branch, SHPD  
Office of Science and Technology  
U.S. Environmental Protection Agency  
Washington, D.C.  
202-566-0373 (Phone)  
[vlcan.manjali@epa.gov](mailto:vlcan.manjali@epa.gov)

**From:** Fleisig, Erica

**Sent:** Monday, October 28, 2019 4:28 PM

**To:** Dreyfus, Melissa G. <Dreyfus.Melissa@epa.gov>; Vlcan, Manjali <Vlcan.Manjali@epa.gov>; Barash, Shari <Barash.Shari@epa.gov>; Gravuer, Kelly <gravuer.kelly@epa.gov>

**Cc:** Keating, Jim <Keating.Jim@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Soo-Hoo, Mimi <Soo-Hoo.Mimi@epa.gov>

**Subject:** For NB input by 10/30 if poss: OR and MI writeup

NB folks,

I would appreciate your input on the attached 3-pager (summarized in Jim's email below) that will hopefully

**Ex. 5 Deliberative Process (DP)**

**Ex. 5 Deliberative Process (DP)**

Thank you!

-Erica

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**From:** Keating, Jim <Keating.Jim@epa.gov>

**Sent:** Monday, October 28, 2019 2:04 PM

**To:** Fleisig, Erica <Fleisig.Erica@epa.gov>; Soo-Hoo, Mimi <Soo-Hoo.Mimi@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>

**Subject:** RE: For Jim: OR and MI writeup

Hi all!

I am attaching my comments. The chart, the information, and the bubble comments helped crystallize my thinking. I think that

**Ex. 5 AC/DP**

**Ex. 5 AC/DP**

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**From:** Fleisig, Erica <Fleisig.Erica@epa.gov>

**Sent:** Monday, October 28, 2019 9:31 AM

**To:** Soo-Hoo, Mimi <Soo-Hoo.Mimi@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>

**Cc:** Keating, Jim <Keating.Jim@epa.gov>

**Subject:** RE: For Jim: OR and MI writeup

Yes, super helpful, thank you! Adding Jim here and re-attaching the writeup in the hopes that he has a chance to review today

**Ex. 5 AC/DP**

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**From:** Soo-Hoo, Mimi <[Soo-Hoo.Mimi@epa.gov](mailto:Soo-Hoo.Mimi@epa.gov)>

**Sent:** Sunday, October 27, 2019 8:24 AM

**To:** Fleisig, Erica <[Fleisig.Erica@epa.gov](mailto:Fleisig.Erica@epa.gov)>; Pettit, Elizabeth (Libby) <[pettit.elizabetha@epa.gov](mailto:pettit.elizabetha@epa.gov)>

**Subject:** RE: For Jim: OR and MI writeup

Thanks for putting this together, and for raising with SHM at check-in!

## Ex. 5 Deliberative Process (DP)

Many of Michigan waters are not supporting designated uses for other indigenous aquatic life and wildlife, and/or fish consumption due to mercury in the water column and/or fish tissue. There are 76,421 river miles, 872,037 acres of inland lakes and reservoirs, 41,943 square miles of Great Lakes open water, 2,998 miles of Great Lakes shoreline, and 125 miles of connecting channels in Michigan. Michigan's draft 2018 Clean Water Act sections 303(d), 305(b), and 314 Integrated Report (IR) uses data from the fish contaminant and water chemistry monitoring programs, in addition to others, to assess specific surface waters impacted by mercury and other pollutants. The IR identifies 14,289 miles of rivers and streams, 272,741 acres of inland lakes and reservoirs, all of the Great Lakes open water and shorelines, and all of connecting channels in Michigan as not supporting one or more designated uses due to elevated concentrations of mercury in the ambient water column or in fish tissue (EGLE, 2019 in draft).

Information outlined in the MDV and further evaluated and explained in the Statewide Michigan Mercury Total Maximum Daily Load (TMDL), approved by USEPA in September 2018 (MDEQ, 2018), demonstrated that the human-caused condition of mercury air deposition, prevents the attainment of the existing use and cannot be remedied within the term of this variance. Atmospheric mercury deposition in Michigan accounts for 98.6% of the mercury load to Michigan surface waters, while NPDES discharges account for 1.4%. Atmospheric mercury deposition comes from local (in-state sources), regional, national, and global sources that are both anthropogenic (80%) and natural (20%) in origin (MDEQ, 2018). Most contributions to mercury deposition originate from outside Michigan. In-state sources make up 7.8% of the state's atmospheric mercury load (MDEQ, 2018). Atmospheric mercury deposition originating from sources within and outside of Michigan must be controlled in order to reduce concentrations of mercury in fish tissue to protect human health and wildlife.

Mimi Soo-Hoo  
Office of Science & Technology  
[Soo-Hoo.Mimi@epa.gov](mailto:Soo-Hoo.Mimi@epa.gov)  
(202) 566-1192

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**From:** Fleisig, Erica <[Fleisig.Erica@epa.gov](mailto:Fleisig.Erica@epa.gov)>

**Sent:** Friday, October 25, 2019 4:08 PM

**To:** Pettit, Elizabeth (Libby) <[pettit.elizabetha@epa.gov](mailto:pettit.elizabetha@epa.gov)>; Soo-Hoo, Mimi <[Soo-Hoo.Mimi@epa.gov](mailto:Soo-Hoo.Mimi@epa.gov)>

**Subject:** FW: For Jim: OR and MI writeup

Hi guys,

Jim is going to try to review this on Monday, but I wanted to share with you both as well and note that I'm going to mention it quickly to Sara at the variance check-in on Monday. **Ex. 5 Deliberative Process (DP)**

**Ex. 5 Deliberative Process (DP)**

Let me know if you have any input on this, thanks!

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**From:** Fleisig, Erica

**Sent:** Thursday, October 24, 2019 8:56 PM

**To:** Keating, Jim <[keating.jim@epa.gov](mailto:keating.jim@epa.gov)>

**Subject:** For Jim: OR and MI writeup

Jim,

# Ex. 5 AC/DP

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**From:** Johnson, Aaron <[Johnson.AaronK@epa.gov](mailto:Johnson.AaronK@epa.gov)>

**Sent:** Thursday, September 26, 2019 10:21 AM

**To:** Soo-Hoo, Mimi <[Soo-Hoo.Mimi@epa.gov](mailto:Soo-Hoo.Mimi@epa.gov)>; Fleisig, Erica <[Fleisig.Erica@epa.gov](mailto:Fleisig.Erica@epa.gov)>; Vican, Manjali <[Vican.Manjali@epa.gov](mailto:Vican.Manjali@epa.gov)>; Dreyfus, Melissa G. <[Dreyfus.Melissa@epa.gov](mailto:Dreyfus.Melissa@epa.gov)>; Keating, Jim <[Keating.Jim@epa.gov](mailto:Keating.Jim@epa.gov)>

**Cc:** Pfeifer, David <[pfeifer.david@epa.gov](mailto:pfeifer.david@epa.gov)>; Bauer, Candice <[bauer.candice@epa.gov](mailto:bauer.candice@epa.gov)>; Prichard, Gary <[prichard.gary@epa.gov](mailto:prichard.gary@epa.gov)>

**Subject:** MI Hg MDV Factor 3

Hi all,

I've got another variance riddle for you all.

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# Ex. 5 AC/DP

# Ex. 5 AC/DP

Thoughts or major objections?



Aaron

Aaron Johnson  
Water Quality Standards Specialist  
USEPA | Region 5  
312-886-6845